



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



CALIFORNIA STATE PERSONNEL BOARD MEETING

801 Capitol Mall
Sacramento, California

Public Session Location – 801 Capitol Mall
Sacramento, California, Room 150
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall
Sacramento, California, Room 141
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

SUMMARY MINUTES – MAY 17, 2005

MID-MONTH BOARD MEETING MINUTES¹

MAY 17, 2005

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members Present:

William Elkins, President
Sean Harrigan, Member
Anne Sheehan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Floyd D. Shimomura

A. DPA and SPB staff has been meeting and discussing issues of mutual concern. One issue involves the scope of bargaining as it pertains to the SPB. At the June meeting, we will have an informational discussion on this topic.

B. The 50th Anniversary Celebration for the SPB building will be held in conjunction with the October board meeting.

C. Both the LAO and Little Hoover Commission are working, independently, on reports which will discuss the State's personnel system. Both are scheduled to be released in the next month or two. We plan to hold board hearings on each report.

D. The Secretariat is being reorganized with this function becoming part of the SPB Executive Office. Allison Sanjo and her staff will take the lead in coordinating the scheduling, mailing of the briefing books, and travel for Board members. The goal is to provide more focused support for our Board members.

E. The Executive Officer announced he will take off a week of vacation time and is traveling to Japan on personal business in late May.

3. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

NONE

¹ The Minutes for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

4. REPORT OF THE CHIEF COUNSEL - Elise Rose

Litigation:

SPB v. DPA/CSEA—This case has been scheduled for oral argument before the Supreme Court on May 26, 2005.

Union of American Physicians and Dentists (UAPD) v. Dept. of Corrections - New suit seeks writ and injunctive relief to compel CDC to halt competence testing of CDC physicians which UAPD contends is unconstitutional.

Other:

Council of Counsels meeting held 5/16/05. Agenda items included proposed changes in the whistleblower retaliation appeals process and medical withhold process, as well as updates on recent decisions from the courts, legislation, and the CDC disciplinary matrix. Interim Chief Judge Phil Callis addressed the group on some of these issues.

5. NEW BUSINESS

NONE

6. REPORT ON LEGISLATION - Sherry Hicks

AB 124 - Dymally

Met with Republican policy consultant re AB 124. Also met with the Disabled in State Service Committee representatives. They have asked to appear before the full Board at its June 7th meeting. The Board approved this request.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

8. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board
Sacramento Superior Court No. 05CS00374

The Copley Press, Inc. v. San Diego Superior Court
California Supreme Court No. S128603

9. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature. [Government Code section 18653.]

10. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor. [Government Code section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

**11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF
JUNE 7, 2005, IN SACRAMENTO, CALIFORNIA**

12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES

April 19, 2005 Summary Minutes – adopted

VOTE: Elkins, Harrigan, Sheehan – Aye

13. EVIDENTIARY CASES - (See Case Listing on Pages 8-14)

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION - (See Minutes Page 21)

15. NON-EVIDENTIARY CASES - (See Case Listing on Pages 14-19)

16. NON-HEARING CALENDAR

Proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

NONE

17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Minutes

in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Minutes reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

BUREAU CHIEF, DEPARTMENTAL SERVICES BUREAU

The Department of Justice proposes to allocate the above position to the CEA category on a permanent basis. SPB approved this allocation for a limited term of twenty-four months effective June 26, 2003. The Bureau Chief, Departmental Services Bureau consolidates and centralizes the information technology services and formulates departmental policies impacting business operations and personal computing needs for all employees and clients.

BUREAU CHIEF, ADMINISTRATIVE SERVICES BUREAU

The Commission on Peace Officer Standards and Training proposes to allocate the above position to the CEA category. The Bureau Chief, Administrative Services Bureau has full management and supervisory responsibility for the Administrative Services Bureau and participates in and helps form conclusions and resolutions to all management and policy actions that are taken under consideration by Post management.

DIRECTOR, ACCOUNTING DIVISION

The California State Teacher's Retirement System proposes to allocate the above position to the CEA category. The Accounting Director is responsible for leading and directing the development and administration of major department-wide policies pursuant to the fiscal and accounting considerations of the pension system's plan and programs.

CHIEF, TECHNOLOGY SERVICES DIVISION

The Board of Equalization proposes significant changes to above existing CEA allocation. The Chief, Technology Services Division is responsible for managing and directing the Board of Equalization's Information Technology program.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

DEPUTY DIRECTOR, COMPLIANCE DIVISION

The California Gambling Control Commission has withdrawn their request to establish the above position to the CEA category effective April 15, 2005.

ASSISTANT DIVISION CHIEF, MEDI-CAL MANAGED CARE DIVISION

The Department of Health Service's request to establish the above position to the CEA category has been approved effective April 20, 2005.

19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

NONE

20. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

NONE

22. BOARD ACTIONS - (See Minutes - Page 19-20)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on these minutes under Evidentiary Cases.

A D J O U R N M E N T

13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

- 1) **DARYL STONE, CASE NO. 04-0279A**
Appeal from dismissal
Classification: Police Officer I
Department: Department of Developmental Services
ALJ's Proposed Decision rejected by the Board on February 8, 2005
Transcript prepared
Oral argument May 3, 2005
Case ready for decision by FULL Board
ACTION: Submitted
- 2) **TIMOTHY PORT, CASE NO. 04-2372**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections
Case taken under submission at the May 3, 2005 Board meeting.
Case to be considered at the June 7, 2005 Board meeting.
ACTION: Submitted

B. CASES PENDING

ORAL ARGUMENTS

These cases would have been on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

NONE

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

These cases would have been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations may have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ Proposed Decisions submitted to the Board for the first time.

On May 17, 2005, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

(1) LANA G. ANDREWS, CASE NO. 04-2797

Appeal from 20 workdays suspension

Classification: Officer

Department: Department of California Highway Patrol

ACTION: The Board adopted the ALJ's Proposed Decision modifying the 20 workdays suspension to three workdays suspension.

(2) ALADDIN (ALEX) DAOUK, CASE NO. 03-2893

Appeal from rejection during probationary period

Classification: Supervising Transportation Engineer

Department: Department of Transportation

ACTION: The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.

- (3) **ERNESTINE FORREST, CASE NO. 04-0409**
Appeal from dismissal
Classification: Corporation Counsel
Department: Department of Corporations
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (4) **INEZ GUERRA, CASE NO. 03-3345**
Appeal from 30 days suspension
Classification: Facility Captain
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision revoking the 30 day suspension.
- (5) **LONNIE HAIRSTON, CASE NO. 05-0018**
Appeal from 30 days suspension
Classification: Parole Agent I
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the 30 day suspension.
- (6) **ALICIA HAYDEN, CASE NO. 04-2251**
Appeal from five percent reduction in salary for six months
Classification: Correctional Officer
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the five percent reduction in salary for six months.
- (7) **JOSEPH MARTINEZ, CASE NO. 04-2690**
Appeal from dismissal
Classification: Hospital Police Officer
Department: Department of Mental Health
ACTION: The Board rejected the ALJ's Proposed Decision sustaining the dismissal. The Board will decide the case itself.
- (8) **PHYLISS McNEAL, CASE NO. 04-2273**
Appeal from five percent reduction in salary for six months
Classification: Parole Agent II, Adult Parole
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision modifying the five percent reduction in salary for six months to an official reprimand.

- (9) **LYNETTE RHEA, CASE NO. 04-1894E**
Appeal from denial of discrimination and retaliation complaint
Classification: Assistant Caltrans Administrator
Department: Department of Transportation
ACTION: The Board adopted the ALJ's Proposed Decision denying the appeal.
- (10) **NATHANIEL RICO, CASE NO. 05-0082**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections
ACTION: The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING

These were ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

On May 17, 2005, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (11) **ALBERT CONTRERAS, CASE NO. 05-0534**
Appeal from three days suspension
Classification: Officer, California Highway Patrol
Department: California Highway Patrol
ACTION: The Board adopted the ALJ's Proposed Decision revoking the three days suspension.

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On May 17, 2005, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (1) **JONADAB HERRERA, CASE NO. 04-2246P**
Appeal from five working days suspension
Classification: Custodian
Department: California State University, San Jose
Petition for rehearing filed by appellant
to be granted or denied.

The Proposed Decision sustaining the five working days suspension was adopted by the Board on February 8-9, 2005.

ACTION: The Board denied the appellant's petition for rehearing.

- (2) **VIRGINIA PARKER, CASE NO. 03-0325AP**
Appeal from demotion
Classification: Correctional Lieutenant
Department: Department of Corrections
Petition for rehearing filed by appellant
to be granted or denied.

Respondent did not serve appellant with the notice of adverse action within the time limits set by the Government Code.

ACTION: The Board denied the appellant's petition for rehearing.

WHISTLEBLOWER NOTICE OF FINDINGS

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) PATRICK BARBER, CASE NO. 04-0279

Appeal from dismissal

Classification: Youth Correctional Counselor

Department: Department of the Youth Authority

Proposed decision adopted November 3, 2004

Modifying dismissal to 45-calendar day suspension

Petition for Rehearing granted February 8-9, 2005

Transcripts prepared

Pending oral argument June 7, 2005, Sacramento

Oral argument continued

(2) JON CHASE, CASE NO. 04-0392

Appeal from 30 working days suspension

Classification: Associate Management Auditor

Department: Employment Development Department

Proposed decision rejected April 19, 2005

Pending Transcript

(3) FRANK GARCIA, CASE NO. 04-0092P

Appeal from dismissal

Classification: Chief Engineer I

Department: Department of Corrections

Petition for rehearing granted May 3, 2005

Pending transcript

(4) CHAD LOOK, CASE NO. 04-1789

Appeal from 60 working days suspension

Classification: Correctional Officer

Department: Department of Corrections

Proposed decision rejected January 11, 2005

Transcript prepared

Pending oral argument June 7, 2005, Sacramento

(5) JAMES MCAULEY, CASE NO. 04-1856

Appeal from dismissal

Classification: Associate Transportation Engineer, Caltrans
(Registered)

Department: Department of Transportation

Proposed decision rejected March 8-9, 2005

Transcript prepared

Pending oral argument June 7, 2005, Sacramento

(6) KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542E

Appeal from denial of reasonable accommodation
and from constructive medical termination

Classification: Office Technician (General)

Department: Department of Fish and Game

Proposed decision rejected May 18, 2004

Pending transcript

15. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION
CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

On May 17, 2005, the Board adopted as indicated below the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (1) **TORY AXEL, CASE NO. 04-1497**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability.
ACTION: DENIED
- (2) **SAMUEL BERRY, CASE NO. 04-0295**
Classification: State Park Ranger Cadet - Lifeguard
Department: Parks and Recreation
Issue: Suitability; negative driving record, failure to comply with legal obligations, negative employment record, and late registration with the Selective Service.
ACTION: DENIED
- (3) **DAVID BUTLER, CASE NO. 04-1481**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability.
ACTION: DENIED
- (4) **DIALLO CASTILLE, CASE NO. 04-0671**
Classification: Correctional Officer
Department: Department of Corrections
Issue: Suitability; failure to comply with legal obligations.
ACTION: DENIED
- (5) **JARED DEEVER, CASE NO. 04-2101**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; illegal drug use.
ACTION: DENIED

- (6) **JOSHUA DURAN, CASE NO. 04-0770**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability and furnishing inaccurate information.
ACTION: DENIED
- (7) **KIMBERLY EDWARDS, CASE NO. 04-1830**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information, furnished inaccurate information and negative law enforcement contacts.
ACTION: DENIED
- (8) **RODNEY GILLINS, CASE NO. 04-1309**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information and furnished inaccurate information.
ACTION: DENIED
- (9) **NICHOLAS MEGAZZI, CASE NO. 04-1948**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information, furnished inaccurate information and negative employment record.
ACTION: DENIED
- (10) **RICHARD OTTO, CASE NO. 04-0810**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information during the selection process.
ACTION: DENIED

- (11) **ROBERTO RAMIREZ, CASE NO. 04-1659**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability, omitted pertinent information and negative law enforcement contacts.
ACTION: DENIED
- (12) **JORGE RODRIGUEZ, CASE NO. 04-1594**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability and gang activity.
ACTION: DENIED
- (13) **ROSA RODRIGUEZ, CASE NO. 04-1592**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; active warrant.
ACTION: DENIED
- (14) **CHARLES STEPHENS, CASE NO. 04-2193**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; negative employment record, provided inaccurate information during the selection process.
ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

On May 17, 2005, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

- (1) **JOHN GALLARDO, CASE NO. 04-2116**
Classification: Hospital Peace Officer
Department: California Department of Mental Health
Issue: Does sufficient evidence exist to support the psychological disqualification of the appellant?
ACTION: DENIED

(2) KARI LITTON, CASE NO. 04-1566

Classification: Correctional Officer

Department: Corrections

Issue: The appellant was medically disqualified because she did not meet the corrected vision requirements of the Correctional Officer position.

ACTION: DENIED

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

EXAMINATION APPEALS

NONE

MINIMUM QUALIFICATIONS

NONE

MERIT ISSUE COMPLAINTS

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases would have been heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

On May 17, 2005, the Board adopted the following decisions presented by Laura Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan – Aye

(1) DEBBIE HUDSON, CASE NO. 04-1260

Classification: Associate Governmental Program Analyst

Department: Prison Industry Authority

Issue: The charging party requests charges be filed against the charged parties for violations of Government Code section 19572(w).

ACTION: DENIED

(2) MICHAEL STONUM, CASE NO. 04-0957

Classification: Battalion Chief (Non-Supervisory)

Department: Department of Forestry and Fire Protection

Issue: The charging party requests to file charges against two supervisors at his department

ACTION: DENIED

PETITIONS FOR REHEARING CASES

NONE

F. PSYCHOLOGICAL SCREENING CASES

Cases would have been reviewed by Appeals Division staff, but no hearing was held. It was anticipated that the Board would have acted on these proposals without a hearing.

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

No Action

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

No Action

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

No Action

4. HEARING - PSC #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

No Action

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

No Action

6. HEARING - PSC #04-06

Appeal of the California Regional Water Quality Control Board (RWQCB) from the Executive Officer's October 27, 2004 Disapproval of a Contract with the City of Glendale (Glendale) Reviewed at the Request of the California Association of Professional Scientists (CAPS) (Hearing held April 6, 2005.)

No Action

7. HEARING - PSC #05-01

Appeal of the California Attorneys, Administrative Law Judges and Hearing Officers in State Employment from the Executive Officer's December 28, 2004 Approval of a Contract for Legal Services between the California Department of Health Services and Covington & Burling (Hearing held May 3, 2005.)

No Action

8. DARYL STONE, CASE NO. 04-0279A

Appeal from dismissal. Police Officer I. Department of Developmental Services. (Oral argument held May 3, 2005)

No Action

9. TIMOTHY PORT, CASE NO. 04-2372

Appeal from dismissal. Correctional Officer. Department of Corrections. (Case taken under submission at May 3, 2005 Board meeting.)

No Action

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on May 17, 2005.

VOTE: Elkins, Harrigan, Sheehan – Aye

A handwritten signature in black ink, appearing to read "Laura M. Aguilera". The signature is fluid and cursive, with a large loop at the end.

LAURA M. AGUILERA
Assistant Executive Officer
California State Personnel Board